

401.103 Applicability.

The FAR and AGAR apply to all Department of Agriculture (USDA) acquisitions of supplies and services (including construction) which obligate appropriated funds, unless otherwise specified in this regulation or excepted by law. For acquisitions using nonappropriated funds, these regulations shall be used as guides to the maximum extent feasible and consistent with efficient program operations.

401.103–70 Exclusions.

Certain USDA policies and procedures which come within the scope of this chapter may be excluded from the AGAR under appropriately justified circumstances, such as:

- (a) Subject matter which bears a security classification (See FAR 4.402).
- (b) Subject matter which is effective for a period less than 6 months.
- (c) Subject matter which is instituted on an experimental basis for a reasonable period.

401.104 Issuance.**401.104–1 Publication and code arrangement.**

(a) The AGAR is issued in the Code of Federal Regulations as Chapter 4 of Title 48, Federal Acquisition Regulations System, to implement and supplement Chapter 1 which constitutes the FAR. Parts 400 through 499 have been assigned to USDA by the Office of the Federal Register.

(b) The AGAR and its subsequent changes are published in: (1) Daily issues of the FEDERAL REGISTER, (2) cumulative form in the Code of the Federal Regulations, and (3) looseleaf form for distribution within the Department.

401.104–2 Arrangement of regulations.

(a) *General.* The AGAR is divided into the same subchapters, parts, subparts, sections, and subsections as the FAR. However, when the FAR coverage is adequate by itself, there will be no AGAR counterpart. AGAR coverage parallels the FAR in format, arrangement, and numbering system.

(b) *Numbering.* The AGAR numbering system conforms to the FAR. The first digit, “4”, represents the chapter num-

ber assigned to USDA, followed by a 2-digit part number, and then a decimal point. Numbers after the decimal point represent respectively the subpart, section (two digits) and subsection separated from the former by a dash. For example, the AGAR implementation of FAR 1.104 is shown as 401.104, and of FAR 15.804–3 as 415.804–3. Subdivisions at the section and subsection level are indicated by parenthetical alpha-numerics in accordance with the FAR scheme. However, subdivisions below the section and subsection levels may not always correlate directly to FAR designated paragraphs and subparagraphs.

[49 FR 12111, Mar. 28, 1984, as amended at 50 FR 14197, Apr. 10, 1985]

401.104–3 Copies.

Copies of the AGAR published in the FEDERAL REGISTER or Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Requests should reference Chapter 4 of Title 48 CFR.

401.105–70 OMB approval under the Paperwork Reduction Act.

The OMB control number 0505–0005 applies to USDA solicitations and specified information collections within the AGAR.

[50 FR 14197, Apr. 10, 1985]

Subpart 401.2—Administration**401.201 Maintenance of the FAR.****401.201–1 The two councils.**

(a) The Department is represented on the Civilian Agency Acquisition Council by a Policy Team member of the Procurement Division, Office of Operations.

(b) The Procurement Division will coordinate proposed FAR revisions with interested contracting activities and serve as the point of contact for interpreting regulations or receiving FAR revisions advocated by contracting activities.